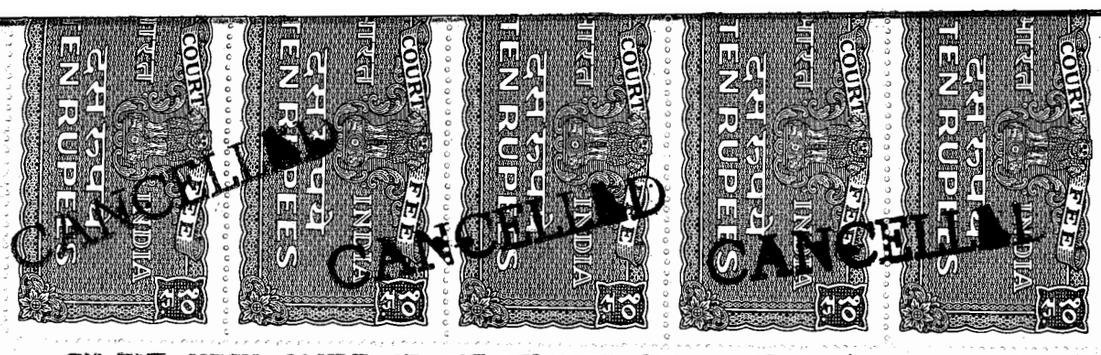

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 2088 OF 2003

(3)

PETITIONERS : 1. Kameshwar Tiwari, son of Manmohan Tiwari, aged about 59 years, working as Forest Guard, posted at Dandgaon Beat, Udaipur Forest Range, South Sarguja Forest Division, Ambikapur, District-Sarguja, (C.G.)

: 2. Rajgriha Pandey, son of late Shri Laldhari Pandey, aged about 59 years, working as Forest Guard, posted at Sharma Beat, Udaipur Forest Range, South Sarguja Forest Division, Ambikapur, District-Sarguja, (C.G.)

P. R. No. 1933/03
Presented by Shri S. Pandey
dated 15.09.03

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Department of Forest and Culture, D.K.S. Building, Mantralay, Raipur, District-Raipur, (C.G.)

: 2. The Conservator of Forest, Sarguja, Ambikapur. District-Sarguja, (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

RECEIVED COPY,
17/10/03
A.G. BILASPUR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(457)

आदेश पत्रक

W.P. No. 2088/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12.9.2003 Petitioners by Shri B. D. Guru, Advocate. Respondents/State by Shri Ranbir Singh, Govt. Advocate. By this petition under Article 226/227 of the Constitution of India the petitioners seek to challenge the order dated 3.7.2003 passed by the Respondent No.1 by which the petitioners have been transferred from District- Sarguja to Jashpur. The petitioners are Forest Guard working in the Forest Department of the State of Chhattisgarh, their date of birth is 15.2.1945 and 19.1.1945 respectively. The age of superannuation for the post of Forest Guard is 60 years thereby the petitioners are going to be retired within a period of another 15 to 16 months. The petitioners' case is that they are at the fag end of their service career and as per the Govt. policy the Govt. employees are not supposed to be transferred during their last two years of service career. The other ground taken in the petition is that class-III and IV employees are not transferred from one district to another district but in this case both the petitioners have been transferred out of the district. On 25th July 2003 one week's time was allowed to the respondents/State for filing reply. Again on 11th August 2003 one week's time was asked for and the same was allowed, but even after lapse of four weeks the return has not been filed by the respondents/State. Learned Govt. Advocate very frankly submitted that nobody concerning the Department has contacted him to file the return. In view of the above situation and looking to the fact that the petitioners are at the fag end of their service career and they have been	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (46)

आदेश पत्रक

2088/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

transferred from one district to another district, in the opinion of this Court it is just and proper to allow this writ petition and to quash the impugned transfer order so far as it relates to the petitioners Kameshwar Tiwari and Rajgriha Pandey is concerned.

In the result, the petition is allowed. The impugned transfer order dt. 3.7.2003 is quashed so far as it relates to the petitioners Kameshwar Tiwari and Rajgriha Pandey is concerned.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये

17/07/03

23/07/03